

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7373 OF 2003

Subash Vidya Mandal & Anr. .. Petitioners
Vs
Mrs Pushpalata Prabhakar
Deshmukh, .. Respondent
Mr Prafulla B.Shah, for the petitioners.
Mr Girish S. Kulkarni i/b Ms S.A.Joshi, for the
respondent.

CORAM : D.B.BHOSALE, J.

DATE : MAY 02, 2005.

P.C.

1. Heard the learned counsel for the parties.
2. This petition is directed against the order dated 5.4.2002 passed by the School Tribunal by which the respondent's appeal has been allowed and the petitioner-institution was directed to reinstate her with effect from 13.11.2000 with full back wages from the date of termination. There was a specific direction given by the School Tribunal to comply with the directions within a period of two months from the date of receipt of the order. Till this date, for no good reason, the Management has failed to comply with the order impugned in the present writ petition.
3. Mr Shah, learned counsel for the petitioners, at the outset, submitted that the management never terminated the services of the respondent. The

management had directed her to produce medical certificate showing that she was mentally fit and since she could not produce such certificate she, on her own, stopped attending her duties. A specific case set up by the management was that the respondent was mentally unfit and, therefore, they were insisting her to produce such certificate. It was also submitted by Mr Shah that the respondent misbehaved with her colleagues which prompted the management to give her Memos. Even her performance was not satisfactory. Admittedly, no enquiry whatsoever, much less the departmental enquiry, was conducted by the management against the respondent. Considering that, the Tribunal set aside the oral termination of the respondent. Considering the settled principle of law that no employee placed in such a situation can be terminated without conducting an inquiry, I find no infirmity in the order passed by the Tribunal. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)

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